

By: Zaffirini

S.B. No. 43

A BILL TO BE ENTITLED

AN ACT

relating to the Judicial Branch Certification Commission;
authorizing fees; providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 57.002(b-1), Government Code, is amended to read as follows:

(b-1) A licensed court interpreter appointed by a court under Subsection (a) or (b) must hold a license that includes the appropriate designation under Section 157.101(d) [~~57.043(d)~~] that indicates the interpreter is permitted to interpret in that court.

SECTION 2. Section 151.001(7), Government Code, is amended to read as follows:

(7) "Regulated person" means a person, firm, or other business entity, who holds a certification, registration, or license issued by the commission.

SECTION 3. Sections 152.053(b), (c), and (d), Government Code, are amended to read as follows:

(b) A person is not eligible for appointment as a member of the commission, or as a member of an advisory board or committee that serves the commission, if the person or the person's spouse:

(1) is employed by or participates in the management of a business entity or other organization receiving funds from the commission;

(2) owns or controls, directly or indirectly, more

1 than a 10 percent interest in a business entity or other
2 organization receiving funds from the commission; or

3 (3) uses or receives a substantial amount of tangible
4 goods, services, or funds from the commission, other than
5 compensation or reimbursement authorized by law for commission
6 membership, attendance, or expenses.

7 (c) A person may not serve as a member of the commission, or
8 as a member of an advisory board or committee that serves the
9 commission, or act as the general counsel to the commission if the
10 person is required to register as a lobbyist under Chapter 305
11 because of the person's activities for compensation on behalf of a
12 profession related to the operation of the commission.

13 (d) A person may not be a member of the commission, a member
14 of an advisory board or committee that serves the commission, or
15 ~~[and may not be]~~ a commission employee employed in a "bona fide
16 executive, administrative, or professional capacity," as that
17 phrase is used for purposes of establishing an exemption to the
18 overtime provisions of the federal Fair Labor Standards Act of 1938
19 (29 U.S.C. Section 201 et seq.), if:

20 (1) the person is an officer, employee, or paid
21 consultant of a Texas trade association in the legal profession; or

22 (2) the person's spouse is an officer, manager, or paid
23 consultant of a Texas trade association in the legal profession.

24 SECTION 4. Section 152.056, Government Code, is amended to
25 read as follows:

26 Sec. 152.056. PRESIDING OFFICER. The supreme court shall
27 designate a member of the commission as presiding officer of the

1 commission to serve in that capacity at the pleasure of the supreme
2 court. The presiding officer may designate a member of the
3 commission to preside over a meeting of the commission in the
4 absence of the presiding officer.

5 SECTION 5. The heading to Section 152.109, Government Code,
6 is amended to read as follows:

7 Sec. 152.109. NOTICE OF COMPLAINT PROCESS [~~COMPLAINTS~~].

8 SECTION 6. Sections 152.111(a) and (c), Government Code,
9 are amended to read as follows:

10 (a) The commission may adopt a policy allowing office
11 employees to dismiss a complaint [~~complaints~~] that:

- 12 (1) clearly does [~~do~~] not allege misconduct; [~~or~~]
13 (2) is [~~are~~] not within the commission's jurisdiction;
14 or
15 (3) alleges misconduct that took place more than five
16 years before the date the complaint was filed.

17 (c) A person who files a complaint that is dismissed under
18 this section may, not later than the 30th day after the date of
19 notice of the dismissal, request in writing that the commission
20 reconsider the complaint.

21 SECTION 7. Section 152.201, Government Code, is amended by
22 adding Subsection (c-1) and amending Subsection (d) to read as
23 follows:

24 (c-1) A passing score on an applicable examination is valid
25 for purposes of certification, registration, or licensing for a
26 period of two years after the date of the examination. A person who
27 does not apply to become certified, licensed, or registered before

1 the expiration of the two-year period must repeat and pass the
2 examination.

3 (d) If requested in writing by a person who fails an
4 examination, the commission shall furnish the person with an
5 analysis of the person's performance on the examination. A person
6 may not view a copy of the examination.

7 SECTION 8. Subchapter E, Chapter 152, Government Code, is
8 amended by adding Section 152.2015 to read as follows:

9 Sec. 152.2015. CERTIFICATION, REGISTRATION, AND LICENSING
10 FEE AND RENEWAL. (a) A person, firm, or business entity must pay
11 the commission an initial fee and any other required fee to receive
12 a certification, registration, or license from the commission.

13 (b) A regulated person who is otherwise eligible to renew a
14 certification, registration, or license may renew an unexpired
15 certification, registration, or license by paying the required
16 renewal fee to the commission before the expiration date. A
17 regulated person whose certification, registration, or license has
18 expired may not engage in any applicable regulated activity until
19 the certification, registration, or license has been renewed.

20 (c) A regulated person whose certification, registration,
21 or license has been expired for 90 days or fewer may renew the
22 certification, registration, or license by paying to the commission
23 a renewal fee that is equal to one and one-half times the normally
24 required renewal fee.

25 (d) A regulated person whose certification, registration,
26 or license has been expired for more than 90 days but less than one
27 year may renew the certification, registration, or license by

1 paying to the commission a renewal fee that is equal to twice the
2 normally required renewal fee.

3 (e) Except as provided by Subsection (f), a person, firm, or
4 business entity may not renew an expired certification,
5 registration, or license one year or more after expiration. The
6 person, firm, or business entity may obtain a new certification,
7 registration, or license by complying with the requirements and
8 procedures, including the examination requirements, for obtaining
9 an original certification, registration, or license.

10 (f) A person may, without examination, renew a
11 certification, registration, or license which has been expired for
12 one year or longer, if:

13 (1) before applying for renewal, the person had moved
14 to another state or jurisdiction;

15 (2) at the time of applying for renewal, the person is
16 certified, registered, or licensed in good standing in the other
17 state or jurisdiction to practice the profession for which the
18 expired certification, registration, or license is required;

19 (3) the person has been in practice in that profession
20 in that state for one year or more preceding the date the person
21 applies for renewal; and

22 (4) the person pays to the commission a fee that is
23 equal to twice the normally required renewal fee for the
24 certification, registration, or license.

25 (g) Not later than the 30th day before the date a regulated
26 person's certification, registration, or license is scheduled to
27 expire, the commission shall send written notice of the impending

1 expiration to the regulated person at the person's last known
2 address according to the records of the commission.

3 SECTION 9. Section 152.205(c), Government Code, is amended
4 to read as follows:

5 (c) After publishing the code of ethics, the commission
6 shall propose to the supreme court a rule stating that a person who
7 violates the code of ethics is subject to commission enforcement
8 ~~[an administrative penalty assessed]~~ under Chapter 153.

9 SECTION 10. Subchapter A, Chapter 153, Government Code, is
10 amended by adding Section 153.0001 to read as follows:

11 Sec. 153.0001. FILING COMPLAINT. (a) To file a complaint
12 with the commission against a regulated person or another person
13 alleged to have unlawfully engaged in conduct regulated under this
14 subchapter, a person must:

- 15 (1) have personal knowledge of the alleged violation;
16 (2) complete a complaint form provided by the
17 commission;
18 (3) sign the completed complaint form; and
19 (4) attach any pertinent documentary evidence to the
20 complaint form.

21 (b) On receipt of a properly executed complaint, the
22 commission shall furnish a copy of the complaint and any
23 attachments to the person who is the subject of the complaint.

24 (c) This section does not preclude the commission, an
25 advisory board of the commission, or a court of this state from
26 filing a complaint.

27 SECTION 11. Section 153.003, Government Code, is amended to

1 read as follows:

2 Sec. 153.003. CEASE AND DESIST ORDER. (a) The director
3 may issue a temporary cease and desist order for the duration of an
4 investigation and disciplinary action by the commission if the
5 director determines that the action is necessary to prevent a
6 violation of:

7 (1) this subtitle;

8 (2) a law establishing a regulatory program
9 administered by the commission; or

10 (3) a rule adopted under this subtitle or order issued
11 by the commission or the director.

12 (b) A cease and desist order may require a person to cease
13 and desist from committing a violation listed under Subsection (a)
14 or from engaging in any practice regulated by the commission as
15 necessary to prevent the violation.

16 (c) A person to whom a cease and desist order is issued may
17 file a written request for a hearing before the commission. The
18 person must file the hearing request not later than the 10th day
19 after the date of receipt of the order. The commission must conduct
20 the hearing not later than the 30th day after the date of the
21 hearing request.

22 SECTION 12. Section 153.004, Government Code, is amended by
23 adding Subsection (c) to read as follows:

24 (c) On the commission's motion, or on the recommendation of
25 commission staff, the commission may conduct a hearing to inquire
26 into a suspension. If the commission determines that a person has
27 not corrected the deficiencies that were the grounds of the

1 suspension or has not complied with the conditions imposed by the
2 commission, the commission may revoke or take other disciplinary
3 action against the person's certification, registration, or
4 license.

5 SECTION 13. Sections 153.051, 153.053, and 153.054,
6 Government Code, are amended to read as follows:

7 Sec. 153.051. IMPOSITION OF PENALTY. (a) The commission
8 may impose an administrative penalty on a person [~~regulated under~~
9 ~~this subtitle~~] who violates:

10 (1) this subtitle;

11 (2) a statute establishing a regulatory program
12 administered by the commission;

13 (3) [~~or~~] a rule or standard adopted under this
14 subtitle; or

15 (4) an order issued by the commission or director
16 under this subtitle.

17 (b) A proceeding under this subchapter imposing an
18 administrative penalty may be combined with a proceeding to impose
19 an administrative sanction otherwise imposed under this subtitle.
20 [~~If an administrative sanction is imposed in a proceeding under~~
21 ~~this subchapter, the requirements of this subchapter apply to the~~
22 ~~imposition of the sanction.~~]

23 Sec. 153.053. REPORT AND NOTICE OF VIOLATION, PENALTY, AND
24 SANCTION. (a) The commission shall[+]

25 [~~1~~] appoint a committee of advisory board members to
26 review a complaint, make the initial written determination on
27 whether a violation occurred, and impose [~~recommend the imposition~~

1 ~~of~~] a penalty, a sanction, or both for violations. The committee
2 shall state the committee's written determination as proposed
3 findings of fact and conclusions of law, separately stated.

4 (b) The committee shall~~+~~

5 ~~[(2) review the determination and recommendation of~~
6 ~~the committee and accept or revise as necessary the determination~~
7 ~~and recommendation; and~~

8 ~~[(3)]~~ give to the person who is the subject of the
9 complaint reviewed under Subsection (a) written notice by certified
10 mail of the committee's ~~[commission's]~~ determination on whether a
11 violation occurred and each ~~[recommended]~~ penalty or sanction, if
12 any.

13 (c) ~~[(b)]~~ The notice required under Subsection (b) ~~[(a)]~~
14 must:

- 15 (1) include a brief summary of the alleged violation;
- 16 (2) state the amount of any ~~[recommended]~~ penalty;
- 17 (3) state any ~~[recommended]~~ sanction; and
- 18 (4) inform the person of the person's right to a
19 hearing on the occurrence of the violation, the amount of the
20 penalty, the imposition of the sanction, or any combination.

21 Sec. 153.054. PENALTY PAID, SANCTION ACCEPTED, OR HEARING
22 REQUESTED. (a) Not later than the 20th day after the date the
23 person receives the notice sent under Section [153.053](#), the person
24 in writing may:

- 25 (1) accept the determination of the committee
26 appointed under Section [153.053](#) ~~[commission]~~ and the imposition of
27 the ~~[recommended]~~ penalty or sanction as an agreed order to be

1 presented to the commission; or

2 (2) [~~make a~~] request [~~for~~] a hearing before the
3 commission on the occurrence of the violation, the imposition or
4 amount of the penalty, the imposition of the sanction, or any
5 combination.

6 (b) If the person accepts the determination and
7 [~~recommended~~] penalty or sanction as an agreed order [~~or if the~~
8 ~~person fails to respond to the notice~~], the commission [~~by order~~]
9 shall review the proposed agreed order and accept, revise, or
10 reject it or remand the matter to the committee for further review.
11 The commission shall give to the person written notice of the
12 commission's determination under this subsection. If the
13 commission revises or rejects the proposed agreed order, the person
14 may:

15 (1) accept the commission's determination, penalty, or
16 sanction; or

17 (2) request a hearing not later than the 20th day after
18 the date of receiving notice of the commission's determination.

19 (c) If the person fails to respond to the notice sent under
20 Section 153.053, the commission may issue a default order to
21 approve the determination of the committee and impose or revise the
22 committee's proposed penalty, sanction, or both [~~approve the~~
23 ~~determination and impose the recommended penalty or sanction~~].

24 SECTION 14. Sections 153.055(c), (d), (e), and (g),
25 Government Code, are amended to read as follows:

26 (c) The commission shall adopt, revise, or reject the
27 committee's [~~make~~] findings of fact and conclusions of law and

1 promptly issue an order on the occurrence of the violation, the
2 amount of any penalty imposed, and the imposition of any sanction.
3 The commission shall give the person notice of the order.

4 (d) On approval of the supreme court, the commission may
5 adopt rules governing the hearing, including rules on appearance by
6 telephone. To the extent not inconsistent with this subchapter or
7 commission rules, the Texas Rules of Civil Procedure, including
8 discovery rules, apply to the hearing, except that the commission
9 may deviate from those rules as necessary for a full and fair
10 adjudication and determination of fact or law.

11 (e) The presiding officer of the commission may hold
12 prehearing conferences. The presiding officer may issue orders,
13 including scheduling orders, and may designate the discovery
14 control plan or otherwise limit or modify discovery before a
15 hearing.

16 (g) On request of the commission, at least one member of the
17 applicable advisory board committee shall attend the hearing to
18 consult with the commission on the reasons for the advisory board
19 committee's determination and proposed penalty or sanction
20 [~~recommendations~~] under Section 153.053(a).

21 SECTION 15. Section 153.056, Government Code, is amended to
22 read as follows:

23 Sec. 153.056. OPTIONS FOLLOWING DECISION: PAY, ACCEPT, OR
24 APPEAL. Not later than the 30th day after the date the order of the
25 commission imposing an administrative penalty or sanction under
26 Section 153.055 becomes final, the person shall:

27 (1) accept the obligation to pay the penalty or accept

1 the sanction; or

2 (2) file an appeal of the commission's order
3 contesting the findings of fact, the conclusions of law, the
4 occurrence of the violation, the imposition or amount of the
5 penalty, the imposition of the sanction, or any combination.

6 SECTION 16. Section 153.058(f), Government Code, is amended
7 to read as follows:

8 (f) If the special committee sustains the finding that a
9 violation occurred, the special committee may:

10 (1) uphold or reduce the amount of any penalty and
11 order the person to pay the full or reduced amount of the penalty;
12 and

13 (2) uphold or reduce any other sanction and order the
14 imposition of the sanction.

15 SECTION 17. Subchapter B, Chapter 153, Government Code, is
16 amended by adding Section 153.060 to read as follows:

17 Sec. 153.060. REISSUANCE OF CERTIFICATE, REGISTRATION, OR
18 LICENSE. (a) The commission may reissue a certificate,
19 registration, or license that has been revoked or that the
20 commissioner has refused to renew as a disciplinary sanction if the
21 individual who was subject to the revocation or nonrenewal applies
22 in writing to the commission and establishes good cause to justify
23 reissuance of the certificate, registration, or license. The
24 applicant has the burden of proving:

25 (1) the correction of the grounds for the revocation
26 or the commission's refusal to renew the certificate, registration,
27 or license;

1 (2) good faith efforts to correct, resolve, or
2 otherwise cure the damages arising from the grounds for the
3 revocation or the refusal to renew the certificate, registration,
4 or license;

5 (3) that reissuance would not pose a threat to public
6 health, safety, and welfare; and

7 (4) any other rehabilitative efforts.

8 (b) The commission may impose conditions on the revocation
9 or refusal to renew a certificate, registration, or license that
10 may include:

11 (1) prohibiting a person from applying for reissuance
12 for a specified period; and

13 (2) imposing some or all prerequisites for initial
14 certification, registration, or licensure as a prerequisite for
15 reissuance.

16 (c) The commission may impose appropriate probationary
17 conditions for a specified period on the practice of a person whose
18 certificate, registration, or license is reissued.

19 SECTION 18. Section 154.101(g), Government Code, is amended
20 to read as follows:

21 (g) The commission may enforce this section by seeking an
22 injunction or by filing a complaint against a person who is not
23 certified by the supreme court. The commission may seek the
24 injunction in the district court of the county in which that person
25 resides or in Travis County. Said action for an injunction shall be
26 in addition to any other action, proceeding, or remedy authorized
27 by law. The commission shall be represented by the attorney

1 general, ~~and/or~~ the county or district attorney of this state, or
2 counsel designated and empowered by the commission.

3 SECTION 19. Section 154.106(a), Government Code, is amended
4 to read as follows:

5 (a) A shorthand reporting firm or an affiliate office may
6 not assume or use the title or designation "court recording firm,"
7 "court reporting firm," or "shorthand reporting firm" or any
8 abbreviation, title, designation, words, letters, sign, card, or
9 device tending to indicate that the firm is a court reporting firm
10 or shorthand reporting firm, or offer services as a court reporting
11 firm or shorthand reporting firm, unless the firm and its affiliate
12 offices are registered with the commission on a form prescribed by
13 the commission as required by this subchapter.

14 SECTION 20. Sections 154.107(b) and (c), Government Code,
15 are amended to read as follows:

16 (b) A certification or registration expires ~~[at 12:01 a.m.]~~
17 on the last day of the month in which ~~[January 1 following]~~ the
18 second anniversary of the date on which it was issued occurs unless
19 the certification or registration is renewed on or before that day.
20 ~~[Thereafter, the certification or registration expires at 12:01~~
21 ~~a.m. of each second January 1 unless renewed.]~~

22 (c) On each renewal of the certification or registration, a
23 fee is charged in accordance with Section 152.2015. A firm or the
24 affiliate office of a firm that may not renew an expired
25 registration as described by Section 152.2015(e) must pay all
26 unpaid renewal and late fees charged for the expired registration,
27 in addition to complying with all registration requirements and

1 procedures, in order to obtain a new registration under Section
2 152.2015(e) [~~A person who is otherwise eligible to renew a~~
3 ~~certification or registration may renew an unexpired certification~~
4 ~~or registration by paying the required renewal fee to the~~
5 ~~commission before the expiration date of the certification or~~
6 ~~registration. A person whose certification or registration has~~
7 ~~expired may not engage in activities that require a certification~~
8 ~~or registration until the certification or registration has been~~
9 ~~renewed].~~

10 SECTION 21. Section 154.110(a), Government Code, is amended
11 to read as follows:

12 (a) After receiving a complaint and giving the certified
13 shorthand reporter notice and an opportunity for a hearing as
14 prescribed by Subchapter B, Chapter 153, the commission shall
15 revoke, suspend, or refuse to renew the shorthand reporter's
16 certification or issue a reprimand to the reporter for:

- 17 (1) fraud or corruption;
- 18 (2) dishonesty;
- 19 (3) wilful or negligent violation or failure of duty;
- 20 (4) incompetence;
- 21 (5) fraud or misrepresentation in obtaining
22 certification;
- 23 (6) a final conviction of a felony or misdemeanor that
24 directly relates to the duties and responsibilities of a certified
25 shorthand [~~court~~] reporter, as determined by supreme court rules;
- 26 (7) engaging in the practice of shorthand reporting
27 using a method for which the reporter is not certified;

1 (8) engaging in the practice of shorthand reporting
2 while certification is suspended;

3 (9) unprofessional conduct, including giving directly
4 or indirectly, benefiting from, or being employed as a result of any
5 gift, incentive, reward, or anything of value to attorneys,
6 clients, or their representatives or agents, except for nominal
7 items that do not exceed \$100 in the aggregate for each recipient
8 each year;

9 (10) entering into or providing services under a
10 prohibited contract described by Section 154.115;

11 (11) committing any other act that violates this
12 chapter or a rule or provision of the code of ethics adopted under
13 this subtitle; or

14 (12) other sufficient cause.

15 SECTION 22. Section 154.111(c), Government Code, is amended
16 to read as follows:

17 (c) The commission may suspend the registration of a
18 shorthand reporting firm or affiliate office:

19 (1) for a designated period of time in accordance with
20 Section 154.110(b);

21 (2) until the shorthand reporting firm or affiliate
22 office corrects the deficiencies that were the grounds for the
23 suspension; or

24 (3) until the shorthand reporting firm or affiliate
25 office complies with any conditions imposed by the commission to
26 ensure the shorthand reporting firm's or affiliate office's future
27 performance.

1 SECTION 23. Sections 155.001(2), (3), (5), and (7),
2 Government Code, are amended to read as follows:

3 (2) "Corporate fiduciary" has the meaning assigned by
4 Section 1002.007, Estates [~~601, Texas Probate~~] Code.

5 (3) "Guardian" has the meaning assigned by Section
6 1002.012, Estates [~~601, Texas Probate~~] Code.

7 (5) "Incapacitated person" has the meaning assigned by
8 Section 1002.017, Estates [~~601, Texas Probate~~] Code.

9 (7) "Ward" has the meaning assigned by Section 22.033,
10 Estates [~~601, Texas Probate~~] Code.

11 SECTION 24. Sections 155.102(c) and (d), Government Code,
12 are amended to read as follows:

13 (c) The supreme court may adopt rules and procedures for
14 issuing a certificate and for renewing, suspending, or revoking a
15 certificate issued under this section. Any rules adopted by the
16 supreme court under this section must:

17 (1) ensure compliance with the standards adopted under
18 Section 155.101;

19 (2) provide that the commission establish
20 qualifications for obtaining and maintaining certification;

21 (3) provide that the commission issue certificates
22 under this section;

23 (4) provide that a certificate expires on the last day
24 of the month in which the second anniversary of the date the
25 certificate was [~~is~~] issued occurs unless renewed on or before that
26 day;

27 (5) prescribe procedures for accepting complaints and

1 conducting investigations of alleged violations of the minimum
2 standards adopted under Section 155.101 or other terms of the
3 certification by certificate holders; and

4 (6) prescribe procedures by which the commission,
5 after notice and hearing, may suspend or revoke the certificate of a
6 holder who fails to substantially comply with appropriate standards
7 or other terms of the certification.

8 (d) If the requirements for issuing a certificate under this
9 section or reissuing a certificate under Section 153.060 include
10 passage of an examination covering guardianship education
11 requirements:

12 (1) the commission shall develop and the director
13 shall administer the examination; or

14 (2) the commission shall direct the director to
15 contract with another person or entity the commission determines
16 has the expertise and resources to develop and administer the
17 examination.

18 SECTION 25. Section 155.104, Government Code, is amended to
19 read as follows:

20 Sec. 155.104. INFORMATION FROM PRIVATE PROFESSIONAL
21 GUARDIANS. In addition to the information submitted under Section
22 1104.306, Estates [697(e), Texas Probate] Code, the director may
23 require a private professional guardian or a person who represents
24 or plans to represent the interests of a ward as a guardian on
25 behalf of the private professional guardian to submit information
26 considered necessary to monitor the person's compliance with the
27 applicable standards adopted under Section 155.101 or with the

1 certification requirements of Section 155.102.

2 SECTION 26. Section 155.105(c), Government Code, is amended
3 to read as follows:

4 (c) A private professional guardian shall submit with the
5 report required under Subsection (b) a copy of the guardian's
6 application for a certificate of registration required by Section
7 1104.302, Estates [~~697(a), Texas Probate~~] Code.

8 SECTION 27. Section 156.001, Government Code, is amended to
9 read as follows:

10 Sec. 156.001. DEFINITIONS [~~DEFINITION~~]. In this chapter:

11 (1) [~~7~~] "Advisory [~~advisory~~] board" means the Process
12 Server Certification Advisory Board.

13 (2) "Certified process server" or "process server"
14 means a person who is certified by the commission under order of the
15 supreme court to serve process.

16 SECTION 28. Subchapter B, Chapter 156, Government Code, is
17 amended by adding Section 156.053 to read as follows:

18 Sec. 156.053. PROCESS SERVER CERTIFICATION RENEWAL; FEES.
19 Certification of a process server expires on the last day of the
20 month in which the second anniversary of the date on which the
21 certification was issued occurs unless it is renewed on or before
22 that date. On renewal of certification, each process server must
23 pay a fee to the commission in accordance with Section 152.2015.

24 SECTION 29. Section 157.001(2), Government Code, is amended
25 to read as follows:

26 (2) "Licensed court interpreter" means an individual
27 licensed under this chapter by the commission to interpret court

1 proceedings for an individual who can hear but who has no or limited
2 English proficiency [~~does not comprehend English or communicate in~~
3 ~~English~~].

4 SECTION 30. Sections 157.101(a), (c), and (d), Government
5 Code, are amended to read as follows:

6 (a) The director shall issue a court interpreter license to
7 an applicant who:

8 (1) can interpret for an individual who can hear but
9 who has no or limited English proficiency [~~does not comprehend~~
10 ~~English or communicate in English~~];

11 (2) passes the appropriate examination prescribed by
12 the commission within the period specified in Section 152.201(c-1)
13 [~~not earlier than two years before the date the director receives~~
14 ~~the applicant's application for a license~~]; and

15 (3) possesses the other qualifications for the license
16 required by this chapter or by rules adopted under this chapter.

17 (c) A license issued under this chapter expires on the last
18 day of the month in which the second anniversary of the date on
19 which the license was issued occurs unless it is renewed on or
20 before that date [~~is valid for one year from the date of issuance~~].

21 (d) A license issued under this chapter must include at
22 least one of the following designations:

23 (1) a basic designation that permits the interpreter
24 to interpret court proceedings in justice courts and municipal
25 courts that are not municipal courts of record, but the designation
26 does not permit the interpreter to interpret [~~other than~~]
27 a proceeding before the court in which the judge is acting as a

1 magistrate; or

2 (2) a master designation that permits the interpreter
3 to interpret court proceedings in all courts in this state,
4 including justice courts and municipal courts described by
5 Subdivision (1).

6 SECTION 31. Section 157.102, Government Code, is amended to
7 read as follows:

8 Sec. 157.102. COURT INTERPRETER LICENSE. To qualify for a
9 court interpreter license under this chapter, an individual must
10 apply on a form prescribed by the commission and demonstrate, in the
11 manner required by the director, reasonable proficiency in
12 interpreting English and court proceedings for individuals who can
13 hear but who have no or limited English proficiency [~~do not~~
14 ~~comprehend English or communicate in English~~].

15 SECTION 32. The heading to Section 157.104, Government
16 Code, is amended to read as follows:

17 Sec. 157.104. COMMISSION DUTIES [~~, INSPECTIONS~~].

18 SECTION 33. Section 157.105, Government Code, is amended to
19 read as follows:

20 Sec. 157.105. SUSPENSION, REFUSAL OF RENEWAL, AND
21 REVOCAION OF LICENSES; REISSUANCE. (a) After providing the
22 opportunity for a hearing in accordance with Section 153.055, the
23 commission shall suspend, [~~or~~] revoke, or refuse to renew a court
24 interpreter license on a finding that the individual:

25 (1) made a material misstatement in an application for
26 a license;

27 (2) disregarded or violated this chapter or a rule

1 adopted under this chapter; or

2 (3) engaged in dishonorable or unethical conduct
3 likely to deceive, defraud, or harm the public or a person for whom
4 the interpreter interprets.

5 (b) In accordance with Section 153.060, the ~~[The]~~
6 commission may reissue a license to an individual whose license has
7 been revoked or refused renewal if the individual applies in
8 writing to the department and shows good cause to justify
9 reissuance of the license.

10 SECTION 34. Section 157.107(b), Government Code, is amended
11 to read as follows:

12 (b) A person who violates this chapter or a rule adopted
13 under this chapter is subject to an administrative penalty assessed
14 by the commission as provided by Chapter 153, in addition to
15 administrative sanctions that may be imposed under Section 157.105.

16 SECTION 35. The following provisions of the Government Code
17 are repealed:

- 18 (1) Sections 154.107(d), (e), (f), (g), and (h);
- 19 (2) Sections 154.108 and 154.109;
- 20 (3) Section 154.110(d);
- 21 (4) Section 154.111(e); and
- 22 (5) Section 156.052(b).

23 SECTION 36. (a) Section 152.053, Government Code, as
24 amended by this Act, applies only to the appointment of a person to
25 an advisory board or committee of the Judicial Branch Certification
26 Commission on or after the effective date of this Act. The
27 appointment of a person to an advisory board or committee of the

1 Judicial Branch Certification Commission before the effective date
2 of this Act is governed by the law as it existed immediately before
3 the effective date of this Act, and that law is continued in effect
4 for that purpose.

5 (b) Section 154.107(b), Government Code, as amended by this
6 Act, applies only to the expiration of a certification or
7 registration of a court reporter on or after January 1, 2018. The
8 expiration of a certification or registration of a court reporter
9 before that date is governed by the law as it existed immediately
10 before the effective date of this Act, and that law is continued in
11 effect for that purpose.

12 (c) If a person's certification, registration, or license
13 expiration date changes as a result of Section 154.107, 155.102, or
14 157.101, Government Code, as amended by this Act, or Section
15 156.053, Government Code, as added by this Act, the Judicial Branch
16 Certification Commission must prorate the certification,
17 registration, or license fee on a monthly basis so that each
18 certification, registration, or license holder pays only the
19 portion of the fee that is allocable to the number of months during
20 which the certification, registration, or license is valid.

21 SECTION 37. This Act takes effect September 1, 2017.